



CITY COUNCIL AGENDA

OCTOBER 27, 2015

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:12 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 9)**
School of Rock performed "Jumpin' Jack Flash" for the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
Heard after Ceremonial Items.
The Orders of the Day and the Amended Agenda were approved, with Items 3.3 and 3.5 deferred to November 10, 2015. Public Comment was heard on Item 3.3.
- **Closed Session Report**
Heard after Ceremonial Items.
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing October 2015 as Crime Prevention Month in the City of San José. (Herrera)
Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized October 2015 as Crime Prevention Month in San José.
- 1.2 Presentation of a proclamation declaring October 2015 as the National Arts and Humanities Month in the City of San José. (Carrasco)
Mayor Sam Liccardo and Council Member Magdalena Carrasco recognized October 2015 as the National Arts and Humanities Month in the City of San José.
- 1.3 Presentation of proclamation to recognize October 18-24, 2015 as Freedom from Workplace Bullies Week in the City of San José. (Peralez)
Mayor Sam Liccardo and Council Member Raul Peralez recognized October 18 through October 24, 2015 as “Freedom from Workplace Bullies Week” in San José.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29642 – An ordinance of the City of San José amending Sections 12.02.040, 12.02.050, 12.02.070, and 12.02.090 of Chapter 12.02, Sections 12.04.025, 12.04.060, 12.04.100, and 12.04.120 of Chapter 12.04, Section 12.05.080 of Chapter 12.05, Sections 12.06.210, 12.06.290, 12.06.295, 12.06.600, 12.06.610, 12.06.710, 12.06.720, 12.06.910, 12.06.920, 12.06.930, 12.06.1000, 12.06.1010, and deleting Section 12.06.140 and Part 5 of Chapter 12.06 and 12.06.620 of Title 12 of the San José Municipal Code relating to municipal elections and campaign and officeholder contributions. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no change in the physical environment.
Ordinance No. 29642 adopted.
- (b) ORD. NO. 29640 – An ordinance rezoning the real property located north of East Hamilton Avenue and east of South Bascom Avenue (2055, 2085, 2105, 2125, and 2145 East Hamilton Avenue and 1550 South Bascom Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District on an approximately 24.6 acre site. CEQA Addendum to the PDC83-034 Greylands Business Park EIR (Resolutions No. 56883), File No. PDC15-030 & PD15-026, Council District 6. (Planning Building and Code Enforcement)
Ordinance No. 29640 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

(a) Transportation and Environment Committee Report of October 5, 2015. (Kalra)

(b) Rules and Open Government Committee Report of October 7, 2015. (Mayor)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

(a) City Council Travel Report on Levitt Pavilion Tour. CEQA: Not a Project, File No. PP10-069(a), Informational Memos that involve no approvals of any City Actions. (Peralez/Carrasco)

Council Member Raul Peralez and Council Member Magdalena Carrasco visited the Levitt Pavilion Tour on September 19, 2015 to learn how the local partnerships and funding were leveraged, about creative best practices for public space activation and how local communities have been able to adopt and customize the model to meet the local culture of their own town.

Mayor Sam Liccardo traveled to New York City on September 28, 2015 to speak at the Clinton Global Initiative Annual Meeting. Mayor Liccardo attended the Silicon Valley Leadership Group Fall Advocacy trip to Washington D.C. on September 29, 2015 through October 1, 2015. Mayor Liccardo also participated in the City Lab – Urban Solutions to Global Challenges event in London, England on October 16, 2015 through October 21, 2015.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Agreement with Children’s Discovery Museum for Architectural Fencing Improvements at the Discovery Meadow in Guadalupe River Park.

Recommendation: Approve a Grant Agreement with Children’s Discovery Museum in an amount not to exceed \$350,000 for fabrication and installation of an architectural fence around expansion improvements at Discovery Meadow in Guadalupe River Park. CEQA: Final EIR for San José Downtown Strategy 2000 Plan, Resolution No. 72767, as addended. Council District 3. (Economic Development)

Approved.

2. CONSENT CALENDAR

2.8 Actions Related to the Purchase Order with Cal Coast Telecom for Fiber Installation and Perimeter Reinforcement Services at the Airport.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an Open Purchase Order with Radonich Corporation, doing business as Cal Coast Telecom, (San José, CA) for Fiber Installation and Perimeter Reinforcement Services at the Norman Y. Mineta San José International Airport, in an amount not to exceed \$519,143.
- (b) Approve a contingency of \$52,000 and execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.

CEQA: Determination of Consistency with the San José International Airport Master Plan Update Final EIR (Resolution Nos. 67380 and 71451), File No. PP15-053. (Finance)
Deferred to November 03, 2015 per Administration.

2.9 Actions Related to the Purchase of a Garage Level Space Counting System.

Recommendation: Accept the report on the Request for Proposal for the purchase of a Garage Level Space Counting System and adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement with Q-Free TCS, Inc. (Sudbury, MA) for the purchase and implementation of a Garage Level Space Counting System including hardware, software, related professional services, taxes, maintenance and support, for an initial five-year term ending October 31, 2020, with a maximum compensation not-to-exceed amount of \$381,224, for the initial five-year term, subject to the annual appropriation of funds.
- (b) Execute change orders to cover any unanticipated changes or requirements in the system design and implementation, not to exceed \$40,000, subject to the appropriation of funds.
- (c) Execute one-year options to extend the term of the Agreement to provide on-going maintenance and support, after the initial five-year term, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts that involve no physical change to the environment. Council District 3. (Finance)

Report Accepted.

Resolution No. 77563 adopted.

2. CONSENT CALENDAR

2.10 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective November 8, 2015, to change the salary ranges for the following classifications:
- (1) Supervising Applications Analyst (3154)
 - (2) Senior Systems Applications Programmer FT/PT(1345/1346)
 - (3) Network Engineer FT/PT, Network Engineer C FT/PT(1328/1329/8555/8556)
 - (4) Information Systems Analyst (1355)
 - (5) Engineer I/II (3812/3813)
 - (6) Associate Engineer (3814)
 - (7) Senior Engineer (3815)
 - (8) Park Ranger FT/PT (2423/2424)
 - (9) Police Data Specialist I/II FT/PT (1181/1182/1183/1184)
 - (10) Heavy Equipment Operator (3343)
 - (11) Senior Heavy Equipment Operator (3345)
 - (12) Senior Maintenance Worker (3115)
 - (13) Senior Development Officer (4226)
 - (14) Legal Administrative Assistant I/II FT/PT (1167/1153/1168/1154)
- (b) Amend the City of San José Pay Plan effective November 8, 2015, to create the classification Senior Community Service Officer (6113).

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making
Municipal Code, Title 3, Personnel. (Human Resources)

Resolution No. 77564 adopted.

2.11 Amendment to the Agreement with Kidz Love Soccer for Soccer Programs in San José.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Second Amendment to an Agreement between the City of San José and North American Youth Activities LLC, dba Kidz Love Soccer to increase the compensation by \$175,000 for a total amount not to exceed \$925,000. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts for services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

Resolution No. 77565 adopted.

2. CONSENT CALENDAR

2.12 Planned Development Permit for Property Located North of East Hamilton Avenue and East of South Bascom Avenue.

Recommendation: Consideration of adoption of a resolution approving a Planned Development Permit to effectuate Planned Development Zoning PDC15-030 and allow the construction of an approximately 20,000-square foot assembly building, an approximately 3,555-square foot metal space frame with canopy, the removal of seven ordinance-sized trees, and Saturday construction hours. CEQA: Addendum to the PDC83-034 Greylands Business Park EIR, File No. PDC15-030 & PD15-026. (Planning, Building and Code Enforcement)– District 6
Resolution No. 77566 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas recognized and commended Park Ranger Clifford Del Carlo for his prompt efforts to save a gentleman's life, after the fifty-five year old man went into cardiac arrest while bicycling at Alum Rock Park, Eagle Rock Trail. Ranger Del Carlo set up his equipment and began ventilating the patient while waiting for emergency medical assistance to arrive. The patient is recuperating at a Cardiac Rehabilitation Facility.

Council Member Pierluigi Oliverio requested that the City Manager circulate an information memorandum indicating who manages the City's Right-of-Way/ Responsibility for areas under the Caltrans Freeways and Railway Bridges. Council Member Oliverio requested the status on the library volunteers who were to begin working at the libraries in a different capacity beginning October 1, 2015.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
Heard at 9:00 a.m.
No Report.

3.3 Urban Agriculture Incentive Zone Ordinance.

Recommendation: As recommended by the Rules and Open Government Committee on October 7, 2015, adopt a resolution authorizing parcels that are located in both an unincorporated Santa Clara County and within the sphere of influence of the City of San José to be eligible for incentives under the County's Urban Agriculture Incentive Zone Ordinance. CEQA: Exempt, Guideline Section 15304 Minor Alterations to Land File No. PP15-108. (City Attorney)
Deferred to November 10, 2015 per Orders of the Day. Public Comment was heard.

3. STRATEGIC SUPPORT SERVICES

3.4 Semi-Annual Recommendation Follow-Up Report on All Outstanding Audit Recommendations.

Recommendation: Accept the Semi-Annual Recommendation Follow-Up Report on all Outstanding Audit Recommendations for the Six Months Ended June 30, 2015. CEQA: Not a Project, File NO. PP10-069(a), Staff Reports, Assessments, and Annual Reports that involve no approval of City actions with potential change in the environment. (City Auditor)

Accepted.

Staff was directed to refer to the Rules and Open Government Committee the following:

- (1) **Identify and focus on the five items that have the greatest impact on the General Fund balances and the five items that have the greatest impact on Safety and Services.**
- (2) **Identity items that require more funding and suggest that those be added and considered through the Budget Process.**

3.5 Police Department Hiring Audit.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on September 17, 2015, accept the audit report on Police Hiring: Additional Efforts to Recruit Qualified Candidates Urgently Needed to Fill Vacancies. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports that involve no approval of City actions with a potential change in the environment. (City Auditor) (Deferred from 10/6/15 – Item 3.5)

[Public Safety, Finance, and Strategic Support Committee referral 9/17/15 – Item d(4)]

Deferred to November 10, 2015 per Orders of the Day.

3.6 Winter Storm Preparedness Study Session Discussion.

Recommendation: Accept the staff presentation on Winter Storm Preparedness. CEQA: Not a Project, File No. PP10-069(a), Informational Memos that involve no approvals of any City Actions. (City Manager)

Accepted.

- (1) **Staff was directed to report to the Public Safety, Finance and Strategic Support Committee on a regular basis with updates on the Emergency Management Process, current resources, priorities and work plan, and a yearly status update.**
- (2) **The City Attorney was directed to return with an amendment to the ordinance to add places of faith to house the homeless during storms.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Consideration of Actions Related to the Property Located on the East Side of Edenvale Avenue Approximately 1,000 feet North of Chynoweth Avenue.

Recommendation:

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Edenvale Avenue Residential Project.

The memorandum from Council Member Ash Kalra, dated October 26, 2015, was approved, accepting the Staff recommendations with the City Manager directed to:

- (1) **Request the Department of Transportation to evaluate the Edenvale Avenue corridor on either end of the site for potential traffic mitigation measures allowable under local and state law.**
- (2) **Add a permit condition that acknowledges the applicant's offer of up to \$50,000 to the City to be used to fund traffic safety or pedestrian improvements along Edenvale Avenue, as may be deemed appropriate.**

Resolution No. 77567 adopted.

- (b) Consideration of an ordinance rezoning the real property located on an approximately 2.6 gross acre site located on the east side of Edenvale Avenue approximately 1,000 feet north of Chynoweth Avenue (APN 685-03-002) from LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District to allow the construction of 26 single-family residential units and the removal of forty-six (46) ordinance-sized trees.

Ordinance No. 29644 passed for publication.

- (c) Consideration of a Planned Development Permit to allow 26 single-family detached residences and the removal of forty-six (46) ordinance-sized trees on an approximately 2.6 gross acre site located on the east side of Edenvale Avenue approximately 1,000 feet north of Chynoweth Avenue (APN 685-03-002)

Resolution No. 77568 adopted.

- (d) Consideration of a resolution conditionally approving a Vesting Tentative Subdivision Map to subdivide one approximately 2.6 gross acre parcel located on the east side of Edenvale Avenue approximately 1,000 feet north of Chynoweth Avenue (APN 685-03-002) into 33 separate parcels.

CEQA: Mitigated Negative Declaration to be adopted. Planning Commission recommends approval (5-0-1). (Planning, Building and Code Enforcement)

File No. PDC14-060/PD15-019/PT15-023 – District 2

Resolution No. 77569 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report on Bids and Award of Contract for the 7726-On-Call General Building Contract for Facilities and Parks.

Recommendation: Report on bids and award of contract for the 7726-On-Call General Building Contract for Facilities and Parks, to the low bidder, Tucker Construction, Inc., in the amount of \$3,000,000, with no individual task order for the construction of a public works project to exceed \$100,000. CEQA: Not a Project, PP10-066(c) Agreements and Contracts that involve no physical change to the environment. Clearance limited to award of contract. Environmental review to be determined on a per project basis. (Public Works/ Parks, Recreation and Neighborhood Services)

Approved.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 San José-Santa Clara Regional Wastewater Facility Odor Strategy.

Recommendation:

- (a) Adopt the Odor Control Implementation Plan for the San José-Santa Clara Regional Wastewater Facility.
- (b) Direct Staff to proceed with implementation of the Phase I odor control improvements, except for the odor control improvements for the Digested Sludge Dewatering Facility project, to achieve the adopted odor goals at the approved fence line for the San José-Santa Clara Regional Wastewater Facility.
- (c) Defer odor control improvements for the Digested Sludge Dewatering Facility project to mitigate on-site impacts at the southern odor fence line for the purpose of promoting development along the southern fence line until alternate funding sources can be identified to pay for the improvements.
- (d) Defer consideration of the Phase II odor control improvements until the decommissioning of the lagoons and drying beds have been completed.
- (e) Defer consideration of the Phase III odor control improvements until the extent of public access at Pond A18 and the proposed shoreline levee has been determined.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual reports that involve no approval of City actions with a potential change in the environment. (Environmental Services)

[Transportation and Environment Committee referral 10/5/15 – Item d(2)]

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Amendment to Title 9 of the San José Municipal Code and the Administrative Citation Schedule of Fines Related to Illegal Dumping.

Recommendation:

(a) Accept a status report on the City's Illegal Dumping Mitigation Efforts. **The revised memorandum from Council Members Carrasco, Peralez and T. Nguyen, dated October 23, 2015, was approved, accepting the Staff recommendations, with the following additions:**

- (1) *Item (1) was deleted.*
- (2) **Staff was directed to build an interactive reporting tool on the City of San José Website.**
- (3) **Staff was directed to develop an educational campaign *in languages including Spanish and Vietnamese* to inform residents about the need to reduce illegal dumping.**

The Status Report was accepted.

- (b) Approve an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to add the definition of illegal dumping and language prohibiting illegal dumping.

Ordinance No. 29645 passed for publication.

- (c) Adopt a resolution amending the Administrative Citation Schedule of Fines to add new fines for illegal dumping.

CEQA: Not a Project, File No. PP10-068, General procedure and policy making that involve no change in the environment. (Environmental Services/Planning, Building and Code Enforcement)

Resolution No. 77570 adopted.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
David Wall commended the efforts of Lieutenant Richard Weger who discovered a stolen car in his neighborhood and was able to return the car to the owner.

- **Adjournment**
The Council of the City of San José was adjourned at 7:22 p.m. in honor of Dave Fadness, a resident of District 10/Almaden area who was part of the “Responsible San José” initiative to cut costs and would often be seen around his Vista Park neighborhood leading neighborhood clean-ups, painting over graffiti, picking up litter and improving the quality of life for all San José residents.